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March 19, 2004

Hon. John S. McCain  
Chairman, Committee on Commerce, Science, & Transportation  
508 Dirksen Office Building  
Washington, D.C. 20510

**DELIVERED VIA FACSIMILE & U.S. MAIL**

Re: Pipeline Safety/independent metallurgical testing; Docket No. G00000A-03-0774

Dear Senator McCain:

I would first like to thank you for the attention you have given to the Kinder Morgan pipeline rupture of July 30, 2003. The Commerce Committee field hearing that you held in Phoenix in the wake of that accident was informative and helped to drive home the message that we need to work to ensure the safety of our state's pipelines.

I am writing today to update you on the progress of the investigation into the rupture and also discuss possible ways the Office of Pipeline Safety can conduct future investigations.

As you probably know, Commissioner William Mundell and I recently asked that an independent metallurgical test be conducted on the ruptured pipe. Currently, OPS' policy is to allow the pipeline operator to conduct all tests on the ruptured pipe to determine the cause of the accident. It is also routine practice of OPS to allow pipeline companies to retain custody of ruptured pipe after it is taken from the ground at an accident site.

Commissioner Mundell and I found these policies to be unacceptable and asked Stacey Gerard, Associate Administrator of OPS, to explore the possibility of a test on the pipe that would be conducted by an independent lab chosen by OPS and overseen by OPS and the ACC. Ms. Gerard consented to this request and results from the test confirm that Stress Corrosion Cracking was the cause of the rupture. I am forwarding a copy of that report.

I would like to discuss with you possible legislation that would require OPS to conduct independent metallurgical testing as a part of all future investigations of interstate pipeline accidents. I would analogize the investigation of a pipeline rupture to the investigation of an

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airline crash. Just as NTSB does not allow an airline company to conduct the testing to determine what caused a plane to crash, OPS should not allow the pipeline operator to be the sole judge of what caused a given rupture.

Finally, I believe any legislation on this matter should include a requirement that the chain of custody of evidence from a pipeline accident be secured either by OPS or by its state agent and not by the pipeline company. This also will improve the chances that an accurate assessment of the cause of future accidents can be obtained.

Again, thank you everything you've done in the area of pipeline safety. If I can be of any assistance to you in the future, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Mayes', with a stylized flourish at the end.

Kristin K. Mayes  
Commissioner

cc: Paul Hickman  
Chairman Marc Spitzer  
Commissioner William Mundell  
Commissioner Jeff Hatch-Miller  
Commissioner Mike Gleason  
Brian McNeil  
Heather Murphy